

Application No.: 10/565,859  
Amendment Dated: April 12, 2010  
Reply to Office Action of: January 13, 2010

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**Remarks/Arguments:**

Claims 1-34 are pending and stand rejected.

By this Amendment, claims 1, 7, 10, 14-16, 18, 20-24, 28, 31 and 34, are amended.

No new matter is presented by the claim amendments. Support for the claim amendments can be found throughout the original specification and, for example, in the original specification at page 2, line 23 to page 4, line 12.

**Examiner Interview**

An Examiner Interview was conducted on March 18, 2010, between Applicants' Representative, Eric Berkowitz, and Examiner Mohammad Anwar. The Examiner is thanked for his efforts. In the Examiner Interview, Applicants' Representative reviewed a proposed claim 1 and argued for the allowability of proposed claim 1 over the references of record. The Examiner agreed that proposed claim 1 overcame the current rejection, because the primary reference to Trossen no longer read on the feature in claim 1 of "Fast Mobile IP". He suggested, however, that he would need to reanalyze the secondary references in the rejection regarding this feature and would not rule out reapplying the same references in the rejection. Applicants have included the proposed claim amendments from the Examiner Interview in claim 1 of this Amendment and similar claim amendments for the other independent claims.

**Rejection of Claims 1-5, 7 and 14-20 under 35 U.S.C. §103(a)**

In the Office Action, at item 3, claims 1-5, 7 and 14-20 are rejected under 35 U.S.C. §103(a) as unpatentable over Trossen (U.S. Patent Publication No. 2004/0166861) in view of Chaskar et al. (U.S. Patent Publication No. 2004/0137902,

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hereafter referred to as Chaskar) and Funato et al. (U.S. Patent Publication No. 2003/0087646, hereafter referred to as Funato).

Applicants note that claim 34 is also addressed in the body of the rejection. Applicants will also address claim 34 below.

Reconsideration is respectfully requested.

### **Claim 1**

Claim 1 is directed to a mobile communication method for communication with a mobile communication apparatus when moving between a source access router apparatus and a destination access router apparatus, and recites:

... determining ... whether the source access router apparatus ... complies with a Fast Mobile IP in which the source access router apparatus is configured to send a buffer notification to the destination access router apparatus for buffering data addressed to the mobile communication apparatus ...

... in a first one of the operating modes, when the mobile communication apparatus determines that the source access router apparatus does not comply with the Fast Mobile IP: the mobile communication apparatus requests information to a home agent apparatus on the destination access router apparatus, the home agent apparatus responds to the request, providing information on the destination access router apparatus to the mobile communication apparatus, and the mobile communication apparatus instructs the home agent apparatus to forward data addressed to the mobile communication apparatus to the destination access router apparatus ...

(hereafter referred to as the determination/non-compliance with Fast Mobile IP feature). That is, the mobile apparatus determines whether the source access router apparatus complies with Fast Mobile IP (i.e., in which the source access router apparatus is configured to send a buffer notification to the destination access router

apparatus for buffering data addressed to the mobile communication apparatus).

When the source access router apparatus does not comply with Fast Mobile IP, certain processes occur (namely: (1) the mobile communication apparatus requests information to a home agent apparatus on the destination access router apparatus; (2) the home agent apparatus responds to the request, providing information on the destination access router apparatus to the mobile communication apparatus; and (3) the mobile communication apparatus instructs the home agent apparatus to forward data addressed to the mobile communication apparatus to the destination access router apparatus).

### **Trossen Reference**

In the Office Action, at page 3, the Examiner contends that Trossen discloses "determining, by the mobile communication apparatus ..., whether a ... source access router apparatus connected there with the mobile communication\_apparatus [sic] complies with Fast Mobile IP (see para. 25)." Although the Examiner's contention may or may not be correct, the portion of Trossen cited by the Examiner discloses the use of a candidate access-router discovery protocol. Trossen, however, is silent at the cited portion regarding the determination/non-compliance with Fast Mobile IP feature recited in claim 1. More particularly, Trossen is silent regarding Fast Mobile IP (i.e., in which the source access router apparatus is configured to send a buffer notification to the destination access router apparatus for buffering data addressed to the mobile communication apparatus) or the determination whether the source access router apparatus complies with such Fast Mobile IP. This is because, Trossen does not address buffering of data. Instead, Trossen discloses the use of connectivity reports of geographically adjacent router for seamless handoff of a Mobile Node from an originating access router AR1 to a target access router AR2. The connectivity report

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may be sent from the mobile node MN to the new (target) access router after IP level connectivity is established.

### **Chaskar Reference**

In the Office Action, at page 4, the Examiner contends that Chaskar discloses "in a first one of the operating modes, when the mobile communication apparatus requests information to a home agent apparatus on the access router apparatus (see paragraph 65 lines 3-4), and the home agent apparatus responds to the request, providing information on the destination access router apparatus to the mobile communication apparatus (see paragraph 65 lines 11-12)." Applicants respectfully disagree with the Examiner regarding his contention. At the portions cited by the Examiner, Chaskar discloses that a mobile node sends a proxy router solicitation message PrRtSol to an old access router (which corresponds to the source access router apparatus recited in claim 1). Chaskar, however, is silent regarding that "the mobile communication apparatus requests information to a home agent apparatus," as required by claim 1. This is because, the processes disclosed in Chaskar relate to standard mobile IP procedures referenced in the document entitled "Mobility Support in IPv6." As such, Chaskar does not disclose or suggest the determination/non-compliance with Fast Mobile IP feature as recited in claim 1.

### **Funato Reference**

The addition of Funato does not overcome the deficiencies of Trossen and Chaskar. This is because, Funato does not disclose or suggest the determination/non-compliance with Fast Mobile IP feature as recited in claim 1. Instead, Funato discloses a geographically adjacent access router discovery (GAARD) system for discovering geographically adjacent access routers (GAARS). Once discovered, the identity of

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geographically adjacent access routers may be cached for future use. Funato, however, is silent, for example, regarding the buffering of data addressed to the mobile communication apparatus.

Accordingly, claim 1 is submitted to patentably distinguish over Trossen and Chaskar and in further view of Funato for at least the above-mentioned reasons.

**Claims 7, 14-16 and 34**

Claims 7, 14-16 and 34, which include similar but not identical features to those of claim 1, are submitted to patentably distinguish over Trossen and Chaskar in further view of Funato for at least similar reasons to those of claim 1.

**Claims 2-5 and 17-20**

Claims 2-5 and 17-20, which include all of the features of claims 1 or 16 are submitted to patentably distinguish over Trossen and Chaskar in further view of Funato for at least the same reasons as their respective independent claims.

**Rejection of Claims 6, 8-10, 21, 23, 30-31 and 33 under 35 U.S.C. §103(a)**

In the Office Action, at item 4, claims 6, 8-10, 21, 23, 30, 31 and 33 are rejected under 35 U.S.C. §103(a) as unpatentable over Trossen, Chaskar and Funato in further view of Leung (U.S. Patent No. 6,636,498, hereafter referred to as Leung '498).

**Claim 23**

It is also noted for the Examiner that claim 23 is rejected in item 4 of the Office Action over Trossen, Chaskar, Funato and Leung '498 and in item 5 of the Official Action over this same combination of references in further view of Shimizu et al. (U.S. Patent Publication No. 2002/0045450, hereafter referred to as Shimizu). Claim 22,

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from which claim 23 depends, is rejected over Trossen, Funato and Okajima et al. (U.S. Patent Publication No. 2004/0114554, hereafter referred to as Okajima). Moreover, the body of the rejection of claim 23 in item 4 of the Official Action does not address the features in claim 22. Thus, Applicants submit that the Examiner in the rejection has not addressed each and every limitation in claim 23. Accordingly, Applicants request withdrawal of the rejection of claim 23 and allowance of this claim.

### **Claims 30, 31 and 33**

It is also noted for the Examiner that claims 30, 31 and 33 are rejected in item 4 of the Office Action over Trossen, Chaskar, Funato and Leung '498 and in item 5 of the Office Action over this same combination of references in further view of Shimizu. Based on the body of the rejections, Applicants believe that the Examiner intended to reject claims 30, 31 and 33 over Trossen, Chaskar, Funato and Leung '498 and Shimizu. Accordingly, the allowability of claims 30, 31 and 33 will be argued in the subsequent rejection regarding these references including Shimizu.

Reconsideration of claims 6, 8-10 and 21 is respectfully requested.

### **Claims 6, 8-10 and 21**

Claims 6, 8-10 and 21, which include all of the features of claims 1 or 16 are submitted to patentably distinguish over Trossen and Chaskar in further view of Funato for at least the same reasons as their respective independent claims.

### **Leung '498 Reference**

The addition of Leung '498 does not overcome the deficiencies of Trossen, Chaskar and Funato. This is because, Leung '498 does not disclose or suggest "Fast Mobile IP," or the determination/non-compliance with Fast Mobile IP feature as recited

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in claim 1 (and similarly in claim 16). Instead, Leung '498 is concerned with the home agent receiving a registration request that includes a care-of-address of a mobile router and the identification of the networks associated with the mobile router such that the home agent updates a routing table to associate the identified networks with the care-of-address of the mobile router. (See Col. 3, lines 40-46.) Leung '498, however, does not address the buffering of data.

Accordingly, claims 6, 8-10 and 21 are submitted to patentably distinguish over Trossen, Chaskar and Funato in view of Leung '498 for at least the same reasons as their respective independent claims.

**Rejection of Claims 11, 23, 30, 31 and 33 under 35 U.S.C. §103(a)**

In the Office Action, at item 5, claims 11, 23, 30, 31 and 33 are rejected under 35 U.S.C. §103(a) as unpatentable over Trossen, Chaskar and Funato, Leung '498 in further view of Shimizu.

**Claim 23**

As noted above, claim 23 is rejected in item 4 of the Office Action over Trossen, Chasker, Funato and Leung '498 and in item 5 of the Office Action over this same combination of references in further view of Shimizu. Claim 22, from which claim 23 depends, is rejected over Trossen, Funato and Okajima. Moreover, the body of the rejection of claim 23 in item 5 of the Office Action does not address the features in claim 22. Thus, Applicants submit that the Examiner in the rejection has not addressed each and every limitation in claim 23. Accordingly, Applicants request withdrawal of the rejection of claim 23 and allowance of this claim.

**Claims 30, 31 and 33**

As noted above the allowability of claims 30, 31 and 33 will be argued below.

Reconsideration is respectfully requested.

**Claims 11, 30-31 and 33**

Claims 11, 30-31 and 33, which include all of the features of claim 1 or 14 are submitted to patentably distinguish over Trossen, Chaskar and Funato in further view of Leung '498 for at least the same reasons as their respective independent claims.

**Shimizu Reference**

The addition of Shimizu does not overcome the deficiencies of Trossen, Chaskar, Funato and Leung '498. This is because, Shimizu does not disclose or suggest the determination/non-compliance with Fast Mobile IP feature as recited in claim 1 (and similarly in claim 14). Instead, Shimizu discloses the use of bicasting to register mobile terminal equipment twice with either a home agent or a gateway foreign agent. Because Shimizu uses bicasting to register the mobile terminal equipment twice (i.e., once with the previous foreign agent and a second time with the new foreign agent), Shimizu does not contemplate whether a particular device complies with Fast Mobile IP. (See Shimizu at paragraph [0021].) This is because the registration in Shimizu is redundant, and Shimizu presumes that the registration of the two foreign agents will allow reception by the new foreign agent.

Accordingly, claims 11, 30-31 and 33 are submitted to patentably distinguish over Trossen and Chaskar, Funato and Leung '498 in further view of Shimizu for at least the same reasons as their respective independent claims.



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**Rejection of Claims 12, 13 and 32 under 35 U.S.C. §103(a)**

In the Office Action, at item 6, claims 12, 13 and 32 are rejected under 35 U.S.C. §103(a) as unpatentable over Trossen, Chaskar, Funato, Leung '498 and Shimizu in further view of Okajima.

Reconsideration is respectfully requested.

Claims 12, 13 and 32, which include all of the features of claim 1 are submitted to patentably distinguish over Trossen, Chaskar, Funato and Leung '498 in view of Shimizu for at least the same reasons as claim 1.

**Okajima Reference**

The addition of Okajima does not overcome the deficiencies of Trossen, Chaskar, Funato, Leung '498 and Shimizu. This is because, although Okajima at the paragraphs cited by the Examiner discloses a plurality of operating modes (i.e., an active mode where buffering of packets is not necessary and an idle mode in which buffering of packets is necessary), it is silent regarding "Fast Mobile IP" as recited in claim 1. More particularly, Okajima does not contemplate the determination of the compliance of the source access router apparatus with Fast Mobile IP or that the second one of the operating modes is used to implement a Fast Mobile IP procedure.

Accordingly, claims 12, 13 and 32 are submitted to patentably distinguish over Trossen, Chaskar, Funato, Leung '498 and Shimizu in further view of Okajima for at least the same reasons as claim 1.

**Rejection of Claims 28 and 29 under 35 U.S.C. §103(a)**

In the Office Action, at item 7, claims 28 and 29 are rejected under 35 U.S.C. §103(a) as unpatentable over Trossen and Funato in further view of Leung '498.

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Reconsideration is respectfully requested.

Claims 28, which includes similar but not identical features to those of claim 1, is submitted to patentably distinguish over Trossen and Funato in further view of Leung '498 for at least similar reasons to those of claim 1.

#### **Claim 29**

Claims 29, which includes all of the features of claim 28, is submitted to patentably distinguish over Trossen and Funato in further view of Leung '498 for at least the same reasons as claim 28.

#### **Rejection of Claim 22 under 35 U.S.C. §103(a)**

In the Office Action, at item 8, claim 22 is rejected under 35 U.S.C. §103(a) as unpatentable over Trossen and Funato in further view of Okajima.

Reconsideration is respectfully requested.

Claim 22, which includes similar but not identical features to those of claim 7, is submitted to patentably distinguish over Trossen and Funato in view of Okajima for at least similar reasons to those of claim 7.

#### **Rejection of Claims 24-27 under 35 U.S.C. §103(a)**

In the Office Action, at item 9, claims 24-27 are rejected under 35 U.S.C. §103(a) as unpatentable over Trossen, Funato and Okajima in view of Leung '498.

Reconsideration is respectfully requested.

Claims 24-27, which includes all of the features of claim 22 (having similar features to those of claim 7), are submitted to patentably distinguish over Trossen,

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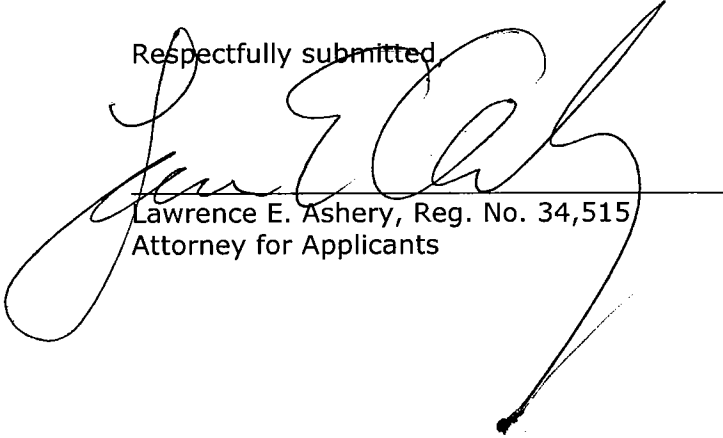
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Funato and Okajima in further view of Leung '498 for at least the same reasons as claim 7.

### **Conclusion**

In view of the claim amendments and remarks, Applicants submit the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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